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THE CASE OF EGYPT

Presented by

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THE CASE OF EGYPT.

I.

Great Britain in time of war seized Egypt under the guise of a protectorate and now, in violation of the principles of the proposed League of Nations and of common justice, asks that the seizure and continued holding of Egypt be approved by the United States and other nations and that Egypt, without the consent of the Egyptians, be turned over to Great Britain as a subject and conquered nation.

The annex to the Versailles Treaty, Section 6, Article 147, provides:

> Germany declares that she recognizes the protectorate declared over Egypt by Great Britain on December 18th, 1914, and that she renounces the regime of the capitulations in Egypt. This renunciation shall take effect as from August 4th, 1914.

It will be noted that this article purports merely to declare the position of Germany. The United States and other nations, parties to the Treaty, are not mentioned in the Article in question. The apparent purpose in including this as an annex to the Treaty is to have the United States and other nations, through the

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NOTE: Respecting the Capitulations, Sidney Low in "Egypt in Transition", says, on page 251: "Most people know roughly what the Capitulations are, but it is only the resident in Egypt who is fully aware of the manner their—most baneful—influence is exercised. The Capitulations are the treaties and conventions which give Europeans in the East the right of exemption from the local tribunals. * * * If a foreigner commits a crime he cannot be arrested by the Egyptian police, nor may he be brought up before an Egyptian judge and tried by the Egyptian law. The police or the aggrieved party can only bring him before his own consular court. And before he can be punished it must be proved that he has committed an offense not only against the law of Egypt, but against the law of his own State, or, at any rate, against such local law as the consular authorities agree to recognize."

ratification of the Treaty, recognize the "protectorate" proclaimed by Great Britain over Egypt, and thus make the status of Egypt an "internal" question to Great Britain and beyond the jurisdiction of the Council of the League of Nations.

But is the holding and governing of Egypt, without the consent of the Egyptians, a protectorate in a legal sense? A protectorate, in international law, generally speaking, is a relation assumed by a strong nation toward a weak one, whereby the former protects the latter from hostile invasion or dictation; a protectorate recognizes the sovereignty of the nation protected.

In Egypt, however, there is the situation, not of a protectorate recognizing the sovereignty of Egypt, but of the appointment by Great Britain of a Sultan of Egypt, the supremacy of the British flag in Egypt, and control of the affairs of Egypt with the same effect as if Egypt had been annexed to the British Empire.

The Egyptians are today governed without their consent by Great Britain. Great Britain has assumed sovereignty over Egypt.

The occupation of Egypt by British troops was until December 18th, 1914, claimed by the British Government to be merely temporary for the purpose of suppressing "rebels" or of collecting debts due Europeans from Egyptians. After the beginning of the World War and on December 18th, 1914, Great Britain proclaimed a so-called protectorate over Egypt. The proclamation seizing Egypt and placing Egypt under the British flag is published in the London Times of December 19, 1914, page 8, column 3. It reads:

> In view of the action of his Highness, Abbas Helmi Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, *His Majesty's Government has seen fit to depose him from the*

> *Khedivate,* and that high dignity has been offered, with the title of Sultan of Egypt, to his Highness Prince Hussein Kamel Pasha, eldest living Prince of the family of Mehemet Ali, and has been accepted by him.
>
> The King has been pleased to approve the appointment of Prince Hussein to an honorary Knight Grand Cross of the Order of the Bath on the occasion of his accession to the Sultanate.

The Sultan so appointed by Great Britain to rule over Egypt represents the sovereignty, not of Egypt, but of England. This seizure of Egypt by Great Britain is shown on the face of the proclamation to be ostensibly a war measure. But how can a continuation of Great Britain's assumed sovereignty over Egypt be justified now that the war is over and a League of Nations is to be established upon the principles of the right of self-determination in all nations and that government everywhere must be based upon the consent of the governed?

The Manchester Guardian, in the issue of December 18, 1914, commenting on the seizure of Egypt, said that the action taken by Great Britain with respect to Egypt was tantamount to annexation, and did not differ in any essential point from the assumption of complete sovereignty. The facts show this statement to be true.

The London Times, in the issue of December 19th, 1914, had large headlines saying, "Egypt Under the British Flag". But the Times, in an editorial in the issue of same date, with characteristic British diplomacy, naively said:

> All that is desired now is to defend Egypt against attack and to keep the internal adminis-

> tration running smoothly. Other questions can wait until peace is restored as Lord Cromer implies in the letter we publish today. * * * It is purely a practical administrative step, dictated by the appearance of Turkey as a belligerent.

It will be noted that the seizure was sought to be justified only as a protection to Egypt against Turkish aggression. The truth is that under the guise of a "protectorate" Great Britain seized Egypt, and swept away every vestige of Egyptian freedom and independence. But the people of Egypt did not realize at that time the full meaning of this action on the part of Great Britain. They were told that it was a step toward the independence of Egypt. His Majesty, King George, in a letter to the Sultan whom he had appointed to rule over Egypt, which letter was widely circulated throughout Egypt, and was published in the London Times of date December 21st, 1914, said:

> * * * I feel convinced that you will be able, with the co-operation of your ministers and the protectorate of Great Britain, *to overcome all influences which are seeking to destroy the independence of Egypt.* (Italics ours.)

This seizure of Egypt being announced at the time as merely temporary, as a war measure, was assumed by the Egyptians to be such. The Egyptian troops fought courageously on the side of the Allies to make, as they believed, the world safe for democracy and for the right of national self-determination in all peoples.

When it came to making the terms of peace and the formation of a League of Nations, the Egyptian people naturally concluded, since under the League of Nations they would be preserved from external aggres-

sion, that the "protectorate" of Great Britain, the alleged purpose of which was to preserve Egypt from external aggression, would be removed. But they were doomed to disappointment. England apparently not only refuses to give up Egypt, but asks the other nations to endorse and glorify her wrongful holding of Egypt.

If there should be a League of Nations, to give the nations some remedy, other than war, to settle their disputes and to preserve the right of self-determination in small nations, and to prevent one nation from seizing another, by what process of reasoning can it be assumed, that in the annex to the very Treaty creating a League of Nations for the purpose indicated, there should be a recognition of the British title to Egypt, which is utterly inconsistent with the principles of the League of Nations and is based upon the doctrine of military might, not upon the principles of justice and right.

II.

The original occupation of Egypt by Great Britain was under solemn promise to Egypt and to the world that it would be only temporary.

Egypt is one compact whole, one nation, one language; the character of her people, their conduct, their habits, their sympathies and inclinations are the same throughout that country. From her geographical situation, however, Egypt has attracted the attention of the colonizing powers more perhaps than any other country in the world. Lying between South Africa and the Mediterranean as between also the eastern and western worlds, Egypt is not only the key to England's position in her vast project of colonization, but she is

moreover an important factor internationally in the affairs of practically every European, Asiatic or American country.

The Egyptians are liberty-loving, peaceful people. They have not interfered with other nations. Egypt has had a well-defined national boundary for more than a thousand years, but Egypt has never attempted to destroy the liberties of other peoples. While Egypt has not transgressed against other nations, Egypt has been the subject of many transgressions on the part of other nations. The eyes of the covetous rulers of the earth have always been upon Egypt and for illustration we need go no further back in history than Caesar and come up from Napoleon to Great Britain.

Egypt is a country of immense wealth. She has millions of acres of agricultural land, greater in value per acre, and in producing power, than the richest farming land in the State of Illinois.

The seizure of Egypt by Great Britain adds to Britain's enormous acquisitions an area of 350,000 square miles and a population of 13,000,000 people. The value of the natural resources so seized is beyond computation.

In 1798 the French, under Napoleon, invaded Egypt. In 1801 the French were expelled from that country by the Turks, aided by Great Britain. In 1807 Great Britain attempted to invade Egypt but was ejected by the Egyptian army. Egypt continued to be a nominal Turkish province until 1831 when war broke out between Egypt and Turkey, and the Egyptian armies were victorious. Constantinople would have fallen to the Egyptians but the great Powers interfered in order to preserve the "balance of power", and the Egyptians were compelled to give up the full fruits of their victories.

By the Treaty of London of 1840 and 1841, Egypt became autonomous, subject only to an annual tribute to Turkey of about $3,500,000. The title of its ruler meant "Sovereign" or "King" without qualification. The Government of Egypt could maintain an army, contract loans and make new political conventions with foreign powers. For all practical purposes Egypt was independent in law and in fact.

Things continued to run smoothly until the time of the Khedive Ismail in 1863 to 1879. He was an extravagant promoter by nature and was surrounded by European usurers who were ready to lend him money at ruinous interest. In seven years Ismail raised the debt of the country from 3,292,000 pounds to 94,110,000 pounds. This debt was contracted, in large measure, through the building of the Suez canal, which was begun under French auspices, but of which Great Britain later secured control. The debt owing to Europeans offered the opportunity or excuse for the interference by England and other nations in the affairs of Egypt, whereby there was a supervision of the revenues by the agents of Great Britain, for the ostensible purpose of collecting the debts contracted by Ismail. Great Britain attempted not only financial control but political control as well. In September, 1881, a revolution broke out in Cairo, which had for its chief object the emancipation of Egypt from European influences.

In May, 1882, a British fleet appeared before Alexandria. In June, 1882, a serious disturbance took place in Alexandria and a number of Europeans were killed. On July 11th and 12th, 1882, Alexandria was bombarded by the British fleet and British soldiers began to occupy Egypt. Great Britain pledged the Egyptian Government and the world that this occupation would be only temporary. The solemn pledges to this effect

made by England are evidenced by the following documents:

1. Lord Granville's dispatch, November 4th, 1881: Egypt No. 1 (1882), pp. 2, 3, said:

> The policy of H. M.'s Government toward Egypt has no other aim than the prosperity of the country, and its full enjoyment of that liberty which it has obtained under successive firmans of the Sultan. * * * It cannot be too clearly understood that England desires no partisan Ministry in Egypt. In the opinion of H. M.'s Government a partisan Ministry founded on the support of a foreign power, or upon the personal influence of a foreign diplomatic agent, is neither calculated to be of service to the country it administers, nor to that in whose interest it is supposed to be maintained.

2. In the Protocol signed by Lord Dufferin, together with the representatives of the five other great Powers, June 25th, 1882: Egypt No. 17 (1882), p. 33, it was provided:

> The Government represented by the undersigned engage themselves, in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, *not to seek any territorial advantage*, nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain. (Italics ours.)

3. Sir Beauchamp Seymour, in a communication to Khedive Tewfik, Alexandria, July 26th, 1882, published in the Official Journal of July 28th, 1882, said:

> I, admiral commanding the British fleet, think it opportune to confirm without delay once more

> to your Highness that the Government of Great Britain has *no intention of making the conquest of Egypt,* nor of injuring in any way the religion and liberties of the Egyptians. *It has for its sole object to protect your Highness and the Egyptian people against rebels.* (Italics ours.)

4. Sir Charles Dilke, in the House of Commons, July 25th, 1882, said:

> It is the desire of H. M.'s Government, after relieving Egypt from military tyranny, *to leave the people to manage their own affairs.* * * * We believe that it is better for the interests of their country, as well as for the interests of Egypt, that Egypt should be governed by liberal institutions rather than by a despotic rule. * * * We do not wish to impose on Egypt institutions of our own choice, but rather to leave the choice of Egypt free. * * * It is the honorable duty of this country to be true to the principles of free institutions, which are our glory. (Italics ours.)

5. The Rt. Honorable Mr. W. E. Gladstone, in the House of Commons, August 10th, 1882, said:

> I can go so far as to answer the honourable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. *Undoubtedly of all things in the world, that is a thing which we are not going to do.* It would be absolutely at variance with all the principles and views of H. M.'s Government, and *the pledges they have given to Europe and with the views I may say of Europe itself.* (Italics ours.)

6. Lord Dufferin's despatch, December 19th, 1882: Egypt No. 2 (1883), p. 30, stated:

> In talking to the various persons who have made inquiries as to my views on the Egyptian question I have stated that we have not the *least intention of preserving the authority which has thus reverted to us.* * * * It was our intention so to conduct our relations with the Egyptian people that they should naturally regard us as their best friends and counselors, but that we did not propose upon that account arbitrarily to impose our views upon them or to hold them in an irritating tutelage. (Italics ours.)

7. Lord Granville, December 29th, 1882: Egypt No. 2 (1882), p. 33, officially stated:

> You should intimate to the Egyptian Government that *it is the desire of H. M.'s Government to withdraw the troops from Egypt as soon as circumstances permit,* that such withdrawal will probably be effected from time to time as the security of the country will allow it, and that H. M.'s Government hope that the time will be very short during which the full number of the present force will be maintained. (Italics ours.)

8. Lord Dufferin's despatch, February 6th, 1883: Egypt No. 6 (1883), pp. 41, 43, stated:

> The territory of the Khedive has been recognized as lying outside the sphere of European warfare and international jealousies. * * *
>
> The Valley of the Nile could not be administered from London. An attempt upon our part to engage in such an undertaking would at once render us objects of hatred and suspicion to its inhabitants. Cairo would become a focus of foreign intrigue and conspiracy against us, and we

should soon find ourselves forced either to abandon our pretensions under discreditable conditions or embark upon the experiment of a complete acquisition of the country.

9. Again, at page 83, Lord Dufferin said:

> Had I been commissioned to place affairs in Egypt on the footing of an Indian subject State the outlook would have been different. The masterful hand of a Resident would have quickly bent everything to his will, and in the space of five years we should have greatly added to the material wealth and well-being of the country. * * * But the Egyptians would have *justly* considered these advantages as dearly purchased at the *expense of their domestic independence. Moreover, H. M.'s Government have pronounced against such an alternative.* (Italics ours.)

10. Mr. Gladstone in the House of Commons, August 6, 1883, said:

> The other powers of Europe * * * are well aware of the general intentions entertained by the British Government's intentions which may be subject, of course, to due consideration of the state of circumstances, but conceived and held to be in the nature not only of information, *but of a pledge or engagement.* (Italics ours.)

11. Mr. Gladstone in the House of Commons, August 9, 1883, said:

> The uncertainty there may be in some portion of the public mind has reference to those desires

which tend towards the *permanent* occupation of Egypt and its *incorporation in this* Empire. *This is a consummation to which we are resolutely opposed, and which we will have nothing to do with bringing* about. *We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn pledges given to the world in the most solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large* during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, *special sacredness in this case binds us to observe.* We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and consequently it is our object to take the greatest care that the occupation does not gradually take a permanent character. (Italics ours.)

12. Lord Granville's despatch, June 16, 1884: Egypt No. 23 (1884), p. 13, stated:

> H. M.'s Government * * * are willing that the withdrawal of the troops shall take place at the beginning of the year 1888, provided that the Powers are then of opinion that such withdrawal can take place without risk to peace and order.

13. Lord Derby in the House of Lords, February 26, 1885, said:

> From the first we have steadily kept in view the fact that our occupation was *temporary and pro-*

visional only. * * * *We do not propose to keep Egypt permanently.* * * * *On that point we are pledged* to this country and to Europe; and if a contrary policy is adopted it will not be by us. (Italics ours.)

14. Lord Salisbury in the House of Lords, June 10, 1887, said:

It was not open to us to assume the protectorate of Egypt, because H. M.'s Government have *again and again pledged themselves that they would not do so.* * * * My noble friend has dwelt upon that pledge, and he does us no more than justice when he expresses his opinion that it is a *pledge* which has been constantly present to our minds. * * * It was undoubtedly the fact that our presence in Egypt, unrecognized by any convention * * * gave the subjects of the Sultan cause for a suspicion which we did not deserve. (Italics ours.)

15. Lord Salisbury in the House of Lords, August 12, 1889, said:

When my noble friend * * * asks us to convert ourselves from guardians into proprietors * * * and to declare our stay in Egypt permanent * * * I must say I think my noble friend pays an insufficient regard to the *sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide.* In such a matter we have not to consider what is the most convenient or what is the more profitable course; we have to consider the course to which we are bound by our *own obligations and by European law.* (Italics ours.)

16. Mr. Gladstone in the House of Commons, May 1, 1893, said:

> I cannot do otherwise than express my general concurrence * * * that the occupation of Egypt is in the nature of a burden and difficulty, and that the *permanent occupation of that country would not be agreeable to our traditional policy,* and that it would not be consistent with our good faith towards the Suzerain Power, while it would be contrary to the laws of Europe * * * I certainly shall not set up the doctrine that we have discovered a duty which enables us to set aside the *pledges* into which we have so freely entered. * * * The thing we cannot do with perfect *honour* is either to deny that we are under engagements which preclude the idea of an *indefinite occupation,* or so to construe that indefinite occupation as to hamper the engagements that we are under by collateral consideration. (Italics ours.)

17. The text of the Anglo-French Agreement of April 8, 1904, provides:

> The Government of H. Majesty declares that it has no intention of altering the policital status of Egypt.

18. Lord Cromer's Report, March 3, 1907: Egypt No. 1 (1907), p. 2, stated:

> There are insuperable objections to the assumption of a British Protectorate over Egypt. It would involve a change in the political status of the country. Now, in Art. I of the Anglo-French Agreement of the 8th of April, 1904, the British Government have explicitly declared that they

have no intention of altering the political status of Egypt.

19. In an interview with Dr. Nimr, Editor of the "Mokattam", October 24, 1908, acknowledged as official by Sir E. Grey in the House of Commons, Sir Eldon Gorst said:

> It has been said that Great Britain proposes shortly to proclaim the protectorate or the annexation of Egypt to the British Empire. Will Sir Eldon Gorst permit me to ask him whether this rumor is well founded or not?

Sir Eldon Gorst answered:

> *The rumor has no foundation and you may contradict it categorically.* Great Britain has engaged herself by official agreements with Turkey and the European Powers to respect the suzerainty of the Sultan in Egypt. She will keep her engagements, which, moreover, she reiterated in 1904 at the time of the conclusion of the Anglo-French Agreement. England stipulated in that Agreement that she has no intention to change the political situation in Egypt. Neither the people nor the Government wish to rid themselves of these engagements. (Italics ours.)

20. Sir Eldon Gorst's Report, March 27, 1909: Egypt No. 1 (1909), p. 1, stated:

> There exists among the better-educated sections of society a limited but gradually increasing class which interests itself in matters pertaining to the government and administration of the country. This class aspires quite rightly to help in bringing about the day when Egypt will be able to govern

herself without outside assistance. This is also the end to which British policy is directed, and there need be no antagonism of principle between the Egyptian and English reforming elements.

21. In the same report, at page 48, Sir Eldon Gorst said:

> Since the commencement of the occupation the policy approved by the British Government has never varied, and its fundamental idea has been to prepare the Egyptians for self-government, while helping them in the meantime to enjoy the benefit of good government.

22. Sir Eldon Gorst's Report, March 26, 1910: Egypt No. 1 (1910), p. 51, stated:

> British policy in Egypt in no way differs from that followed by Great Britain all over the world towards countries under her influence, namely, to place before all else the welfare of their populations.

23. Sir Edward Grey, in the House of Commons, August, 1914, said:

> England stretches out her hand to any nation whose safety or independence may be threatened or compromised by any aggressor.

24. Former Premier Balfour, speaking for the Government at Guildhall on November 19, 1914, declared:

> We fight not for ourselves alone, but for civilization drawn to the cause of small states, the

cause of all those countries which desire to develop their own civilization in their own way, following their own ideals without interference from any insolent and unauthorized aggressor.

25. Premier Asquith, speaking at Guildhall, November 9, 1915, asserted:

> We shall not pause or falter until we have secured for the smaller states their charter of independence and for the world at large its final emancipation from the reign of force.

26. And again Premier Asquith, on November 9, 1916, declared:

> This is a war among other things—perhaps I may say primarily—a war for the emancipation of the smaller states. * * * Peace when it comes, must be such as will build upon a sure and stable foundation the security of the weak, the liberties of Europe and a free future for the world.

27. Premier Lloyd George, on June 29, 1917, said:

> In my judgment this war will come to an end when the Allied Powers have reached the aims which they set out to attain when they accepted the challenge thrown down by Germany to civilization.

28. Mr. Asquith, in the House of Commons, on December 20, 1917, said:

> We ought to make it increasingly clear by every possible means that the only ends we are fighting for are liberty and justice for the whole world, through a confederation of great and small states, *all to possess equal rights.* A league of nations is the ideal for which we are fighting and

we shall continue fighting for it with a clear conscience, clean hands and an unwavering heart. (Italics ours.)

III.

But the War Gave an Excuse for Great Britain to Break Her Plighted Word.

In an official report of date November 1, 1914, it was stated:

> His Imperial Majesty the Sultan of Turkey has forwarded a circular to the great powers directing their attention to the fact that the presence of the English troops in Egypt does not permit him to exercise his suzerain rights. Acting upon this basis, the Khedive of Egypt, Abbas II, has also invited the English government to withdraw her troops from his country.

Again, on November 2, 1914, the report stated:

> The Turkish Ambassador at London, Tewfik Pascha, has presented to the Foreign office an Ultimatum from the Khedive of Egypt, demanding the immediate evacuation of Egypt by the English troops.

And so on December 18, 1914, England proclaimed the removal by her of the lawful Khedive of Egypt, and the appointment by England of Prince Hussein, uncle of the Khedive, as Sultan to the Throne. England's Sultan of Egypt is maintained on the Throne of Egypt today, against the will of the Egyptian people, by the power of England's military forces.

This act was represented at the time to be only a war measure, and was coupled with an assurance of

independence at the end of the war. The protectorate proclaimed at the same time over Egypt by Great Britain was understood by the Egyptian people to be merely for the period of the war and as a step toward their absolute independence should the war end in victory for the Allies.

IV.

Now the war is over. Shall Egypt be handed over to Great Britain as spoils of war contrary to the Declarations in the Covenant of the League of Nations and of the principles for which America fought?

When Great Britain's pledges of altruism are set down side by side, with the treatment of Egypt by Great Britain, the result is awesome to the democratic mind. Of all the countries at war the aims and motives of Great Britain and America were stated to the world with the greatest clarity and in the most impressive way.

On November 10, 1914, Mr. Lloyd George, in a speech called the world to witness the utter unselfishness of Great Britain in the war. "As the Lord liveth," he declared, "England does not seek a yard of territory." "We are in this war," he said, "from motives of purest chivalry, to defend the weak."

On February 27th, 1915, Premier Lloyd George asserted with dramatic fervor that the suggestion that England desired "territorial or other aggrandizement" was an infamous lie of the enemy.

Aside from "making the world safe for democracy", the reasons given for America's entrance into the war were, "For the right of all who submit to authority to have a voice in their own government," and "for the rights and liberties of small nations."

President Wilson, in his great address at Mt. Vernon, the home of Washington, on July 4, 1918, said:

> There can be but one issue. The settlement must be final. There can be no compromise. No half-way decision would be tolerable. No half-way decision is conceivable. These are the ends for which the associated peoples of the world are fighting, and which must be conceded them before there can be peace. * * * The settlement of every question, *whether of territory, or sovereignty,* or economic arrangement, or of political relationship upon *the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own influence or mastery.* * * * What we seek is the reign of law based upon the *consent* of the governed and sustained by the organized opinion of mankind. (Italics ours.)

Shall Egypt, without the consent of the Egyptians, be turned over to England for the sake of England's influence or mastery?

In the 14 points advanced by President Wilson, we find the following pertinent and applicable provisions:

> Point 14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of *political independence and territorial integrity to great and small states alike.* (Italics ours.)

This principle applied to Egypt would lead to a conclusion directly opposite from the endorsement of

the British seizure and continued holding of Egypt and destruction of Egypt's independence.

Applying the principle of the Seventh Point to Egypt and only substituting the word "Egypt" for "Belgium", the Seventh Point would read:

> Egypt, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the *whole structure and validity of international law is forever impaired.* (Italics ours.)

How can it be justly said that Egypt is outside the realm of the principles of the Fourteen Points, and that England may deny the right of self-determination to Egypt? If Great Britain's holding of Egypt by military force should be endorsed and ratified by the very instrument which condemns that character of international aggression, would not the "whole structure and validity of international law" be forever impaired? Would not the Covenant as to the rights of all nations to self-determination and to freedom from aggressions by other nations be made a hollow mockery? Shall the principles of democracy, so beautifully set forth in the League of Nations Covenant, be repudiated in section 6 of the annex to the Treaty?

Great Britain, in violation of her solemn pledges to Egypt, and to the world, declared a "protectorate" over Egypt, but implied it was only for the period of the war, and to be terminated at the close of hostilities.

Relying upon the honor of Great Britain, the Egyptian people entered the war against the Central Powers. The entire resources of Egypt were placed at the disposal of the Allies; more than one million Egyptians served on the Eastern Egyptian frontier. General Allenby, at Heliopolis, in a speech to the Y. M. C. A., stated that Egypt was largely responsible for the success of the Allies in Palestine and Syria. Notwithstanding this, Great Britain is holding Egypt as a subject and conquered nation. Would it not be an act of insincerity to declare in one breath the right of self-determination in the peoples of all nations; the right of the people of each nation to work out their own destiny unrestrained and unrestricted by outside force; and in the next breath approve the assumption of sovereignty over Egypt by Great Britain, contrary to the will and desires of the Egyptians, and in violation of every principle of right and justice?

If Great Britain merely intends to keep Egypt until through the creation of the League of Nations Egypt shall be saved from outside aggression, that would be one thing; but if that were the intention of Great Britain, why should she ask that the seizure and holding of Egypt by her be recognized and approved by the other nations? Is it not apparent that the purpose of Great Britain is to keep Egypt permanently as a part of her dominions and to do this if possible with the approval of the civilized nations of the world?

The principles of the League of Nations supercede the old idea of balance of power and take away any excuse Great Britain could give for the forcible holding of Egypt from that standpoint. Moreover, Great Britain could not justly claim that under the League of Nations, as provided for in the Covenant, she should hold Egypt to protect Egypt against external

aggression, which was the reason given by the London Times for the seizure of Egypt.

Clearly, if the principles of the Covenant of the League of Nations are to be made impartially effective, the status of Egypt should be declared to be a matter of adjustment by the League of Nations, when the League of Nations shall have been formed and in active operation.

V.

Great Britain Has No Title to Permanently Hold Egypt.

What would be thought of the United States if the United States should seize and hold some nation by such methods as England seized and continues to hold Egypt? Can England retain Egypt and the respect of mankind in this era of the rights of men and of nations? What title can England show to Egypt? Neither discovery, purchase nor lawful conquest, but occupation to collect debts with solemn promises to the Egyptians and to the world to withdraw after a temporary occupation; seizure of Egypt as a war measure by reason of the appearance of Turkey as a combatant. Now that the war is over and a League of Nations is to be established and government is to be based upon the consent of the governed, shall the title of seizing nations to their plunder be recognized? If so, the war will have failed of its highest purpose and victory will have been robbed of her most precious jewel.

The League of Nations, we are told, would apply the same principles between nations that have long been applied between individuals by municipal law.

If an individual were to forcibly intrude into the home of another for the ostensible purpose of collecting a debt and then should assume proprietorship and

direction over the entire household upon the theory that it is best for the occupants of the house, and then should ask that his title to dominion and control of the house be recognized, he would, under municipal law, land in jail as a trespasser.

If, under the League of Nations, the same principles are to be applied between nations, Great Britain would have to get out of the land of Egypt, where she is a trespasser by force and without title.

The giving of Shantung to Japan (Section 8 of annex to Treaty) has created bitter opposition. By this section, Shantung is turned over to Japan to be governed by Japan without the consent of the governed.

But Japan has some title to Shantung, while Great Britain has no title to Egypt. The Shantung rights were conferred upon Germany by China, under duress though it may be, and by the Treaty in question Japan succeeds to Germany's rights, titles and privileges in Shantung—whatever they may be.

Great Britain holds Egypt not by right of any title, but by might of military forces.

The Government of Japan has announced that Japan will not hold Shantung in violation of the rights of the people there and that she will turn Shantung back to China. There has been no announcement that Great Britain will be as unselfish as to Egypt. Indeed, Great Britain's occupation of Egypt under pretence of collecting debts or protecting the Egyptian Government from "rebels" and continued occupation in violation of her promises to withdraw and the later seizure and present holding of Egypt in violation of the rights of the people of Egypt do not lend encouragement to the hope that Great Britain will act unselfishly toward Egypt.

At the beginning of the war Egypt was in the sense of international law independent, save for the nominal

sovereignty of Turkey. When Egypt declared war against Turkey this bond was broken and *ipso facto* in the legal sense, Egypt became independent; and with the victory of the Allies, that independence should have been acknowledged. Instead, Great Britain is today, in violation of her pledges, holding Egypt in subjection by military might.

VI.

Shall Might or Right Be Upheld?

England's seizure and continued holding of Egypt, not by right, but by might, is out of keeping with the world's new temper. Only by the exercise of the gospel of force can the holding of Egypt be maintained. The cruel disappointment of the Egyptians who fought so bravely with the Allies to overthrow autocracy and to sustain democracy throughout the world only to be denied the things for which they and America fought, and to be placed under the heel of the military autocracy of England, means bitterness that ill accords with that spirit of the League of Nations which speaks for right and justice to all people and that no people shall be governed without their consent.

The inevitable outcome is chronicled in the daily press. For instance, the following is an eight column, first page, two inch double heading to an Associated Press dispatch in the St. Louis Republic of July 25th, 1919:

800 EGYPTIANS DIE, 1,600 WOUNDED, WHEN BRITISH PUT DOWN REVOLUTION.

Is there any wonder? Would not Americans fight under the same circumstances? Would not Englishmen do the same? Shall the same instrument guaranteeing the right of self-deterimnation to the people

of all nations approve the denial of self-determination to Egypt? Is the world to continue to be ruled by might, or are we really in the dawn of a new day when right and justice shall reign throughout the earth?

VII.

Right Does Not Fear Light and Truth.

The Egyptians fought on the side of the Allies, believing that they were fighting for the right of self-determination and for the principle that no people should be governed without their consent. When the armistice was signed the Egyptians rejoiced because they believed their time for deliverance was near. They did not doubt they would be given the right of self-determination and that the time of their being governed without their consent was about to end.

The Legislative Assembly of Egypt, a majority of which is elected by the people of Egypt, and other institutions representing the people of Egypt, selected a commission to attend the Peace Conference at Paris, and to present the case of Egypt there. This commission is headed by Said Pasha Zaghlul as chairman. He is the Vice President of the Egyptian Assembly, the highest office in Egypt, elected by the people of Egypt. He was formerly Minister of Justice of Egypt, and before that was Minister of Education. On the commission, in addition, are Mahmoud Pasha and Dr. Afifi, both of whom are leading citizens of Egypt. This commission was appointed to go to Paris, expecting a League of Nations to be formed, and that Egypt would be a part of it. Their faith in the altruism of Great Britain was rudely shattered. Four members of the commission were arrested, deported to Malta and interned by order of the British Government. The only charge against them was that they favored self-deter-

mination for Egypt. When this astounding news reached Egypt the indignation was intense. National self-determination demonstrations were held. Great Britain's answer was to fire machine guns into the crowds of unarmed and peaceful demonstrants, killing about a thousand and wounding vastly more. Under the British "protectorate" in Egypt today it is a crime to speak for Egyptian liberty.

General Allenby, it is said, advised the British Government that it would be best to permit the commission to go to France. When the members of the commission reached Paris, they were horrified to learn that a recognition of England's "protectorate" over Egypt had been written into the annex to the Treaty. The commission requested a hearing, but it was refused them. The members of the commission called upon the American Consul and asked the privilege of sending a representative to America in order that their story might be told in the land of the free. The Consul at first informed them as a matter of course their request would be granted. But they were put off from time to time until finally the British, as well as the American Consul, advised them that they would not be allowed to come to America nor to send a representative to America. The American State Department however ordered the passports issued.

VIII.

Conclusion.

In behalf of this commission, and as counsel for the commission, we ask that Section 6, Article 147 to 154, of the annex to the Versailles Treaty clearly state that the status of Egypt shall be within the jurisdiction of the Council of the League of Nations.

The protectorate in Great Britain over Egypt referred to in Article 147 of the Treaty should be declared to be merely a means through which the nominal suzer-

ainty of Turkey over Egypt shall be transferred to the Egyptian people, and should not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people, or as depriving the people of Egypt of any of their rights of self-government.

Whether Egypt should be turned over to Great Britain as spoils of war cannot be an internal question unless it be made so by the Treaty itself fixing the status of Egypt as internal to Great Britain.

America has always been the refuge of the oppressed of every land, and freedom of discussion of complaints of aggression has been a matter of course. The condemnation of Egypt, without a hearing, to British bondage and subjection would mean continued mowing down by British guns of these liberty-seeking people who fought with America to make the world safe from military autocracy.

If, on the other hand, the Egyptians are assured of a hearing of their case by the Council of the League of Nations, or some international tribunal, there would, no doubt, be peace and quiet in Egypt, in the knowledge that an international forum will be open to them to determine their status and for the adjustment of their grievances. Thus the League of Nations will have justified one of the sublime purposes of its conception in affording a remedy to oppressed nations and enabling them to obtain an adjudication of their right to national self-determination by appealing to justice rather than to force.

Respectfully submitted,

JOSEPH W. FOLK,

Counsel for the Egyptian Delegation Selected by the Legislative Assembly of Egypt and other representative Egyptian Institutions.

APPENDIX.

To the English Adviser to the Egyptian Ministry of Justice. From W. E. Makram a prominent Egyptian:

Dear Sir:

* * * And it is fit that our old Egypt, the cradle of all civilization, should again be the foremost among Oriental Nations to digest and proclaim the ideas which took their first nourishment on her soil. That old and ever new cry of liberty is again being sounded in the Nile Valley, and the old spark which centuries of grinding tyranny has not been able to put out is still flickering in the hearts of our men, aye, and our women, too. Any impartial observer who has had an opportunity of witnessing at close quarters the demonstrations of our crowd must have felt the overpowering influence of the ideal that was carrying them away into realms hitherto unexplored and undreamt of. Forty days of pure idealism have transformed the nation beyond recognition, sinking into oblivion those two great curses of the East, religious and sexual prejudices, thus accomplishing a task which forty years of material progress have failed to realize. Not that such progress is without value, even morally, but I claim that the country has reached a point in her development when only the moral lever of liberty and self-realization can uplift her to a higher standard of civilization and progress.

We are merely passing through a stage of political growth which the happier people of Europe have already traversed. We feel that we have reached a state of maturity when we can do without external props,

when such props will, in all probability, be a hindrance to us in our march towards our national destinies. * * *

But this is merely argumentative, the truth being that Egypt has, in fact, attained a degree of civilization compatible with the much-coveted book of liberty and independence, and is not, in this respect, inferior to several small states for whose liberty England has, many a time, shed her best blood. However, the surest criterion of our being worthy of independence is that we are claiming it. In saying this I am only quoting a famous English writer who said that the one gauge of a nation's aptitude for constitutional government is the people's claiming it. Now there does not seem to be any room for doubt that the whole Egyptian people has, with a unity of purpose almost unprecedented in history, claimed for itself independence, and I hate to go into argument over this point, the more so I feel sure that you yourself will agree with me that the movement as a whole is not due either to agitation or intimidation, but is a spontaneous, irresistible movement of a people conscious of its dawning individuality. * * *

I have so far confined myself to generalizations, but I can't help dealing specifically with one point, namely, why the Egyptians object to a protectorate. Our objections may be resumed in a few words: A protectorate is a permanent link of subordination, involving our indefinite subjection to British rule, control of guardianship, as one may choose to term it. At best, a protectorate is a dependent State and its citizens are protected subjects of a Foreign Nation. Thus, whilst losing their own personality, they don't acquire that of the protecting State.

Assuming for the sake of argument that Egypt is still, in legal parlance, an infant requiring guardianship, such guardianship must needs come to an end on maturity, whereas a protectorate is presumably indefinite and cannot be shaken off without a revolution or some such exceptional measure. I have heard it argued by Englishmen that a protectorate may, in the long run, be more of a privilege than a burden, but such platonic relations do not, unfortunately, come within the domain of practical politics, and the "*quid pro quo*" will doubtless remain as ever the basic rule of international relations. Not that such a rule is essentially unfair, but applied as between governor and governed, especially when of different races, the burden will ever outweigh the advantages, were it only for the loss of independence which nothing can compensate.

I have been assuming a protectorate of the ideal type, but it should be remembered that a protectorate is a treaty or a *de facto* relationship between two unequals and that the stronger is apt—such is the nature of men and of things—to appropriate for himself the "*par leonina*". Indeed, so far, a protectorate has meant practical annexation and has only been applied to the lower grades of humanity. That Egypt, who occupied the position of a practically independent State, both in fact and in law, should be condemned to this humiliating form of subordination is certainly a grievous, pitiful condition for a nation desirous of life and progress. * * * Pray excuse my bitterness. One cannot help feeling bitter at the gloomy prospect that is facing us, and I mean this account to portray as faithfully as possible the feelings which are animating most Egyptians at the present juncture. * * *

The truth is that a protectorate is not compatible with the degree of civilization we have attained or

are hoping to attain with England's liberal traditions and her present temper. And with the idea of a League of Nations which the whole world is anxious to realize. * * * I therefore appeal to you, sir, as a representative of free England to help us to realize our national asqirations. Our independence cannot be prejudicial to anybody, much less to the British Empire, to whom we are willing to give all necessary guarantees and privileges provided they do not intrench upon our independence and self-respect as a nation, however humble. The new idea of a League of Nations, providing as it does or will all the necessary guarantees against aggressive or reactionaries movements will greatly facilitate the solution of the Egyptian question and satisfy all parties concerned.

What is important, sir, is the attitude with which to approach the problem. We claim that liberal England, the great England which I knew and lived in, should go into our grievance, to the exclusion of imperialistic England whose point of view is necessarily narrow and prejudiced. Old Egypt is again being born into life and liberty, and no Englishman worthy of the name could be instrumental in her moral death, or in the cruel disappointment and bitterness of a young nation which is even worse than death. The country has found its soul and craves to be nourished accordingly. Nothing but the rule of love can harmonize with the world's new temper, and if England now believes in the gospel of force she will have won the war but lost her soul.

I beg to remain, sir,

Yours very faithfully,

(Sgd.) W. E. MAKRAM.

April 25, 1919.

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